

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

FILED
BILLINGS, MT.

2008 APR 14 PM 12 51

PATRICIA E. CLARK, CLERK

BY _____
DEPUTY CLERK

CROWN PARTS AND MACHINE,)
INC., a Montana corporation,)
)
Plaintiff,)
)
vs.)
)
CON-WAY FREIGHTS, INC., a)
Delaware corporation,)
)
Defendants.)
_____)

CV-08-018-BLG-RFC

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE


On February 28, 2008, United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends Con-Way's Motion to Dismiss be denied as moot.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the February 28, 2008 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** that Con-Way's Motion to Dismiss (*Doc. 2*) is **DENIED** as moot. The Clerk of Court shall notify the parties of the making of this Order.

DATED the 14th day of April, 2008.



RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE